

1 Tuesday, 21 April 2009

2 [Open session]

3 [The accused entered court]

4 --- Upon commencing at 9.07 a.m.

5 JUDGE AGIUS: So good morning, everybody. Madam Registrar, could  
6 you kindly call the case, please.

7 THE REGISTRAR: Good morning, Your Honours. This is case  
8 IT-05-88-T, The Prosecutor versus Vujadin Popovic et al.

9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23

24 JUDGE AGIUS: Good morning to you, Mr. Nikolic.

25 THE WITNESS: [Interpretation] Good morning.

1 JUDGE AGIUS: And welcome once more to this Tribunal where today  
2 you've been summoned to give evidence by the Trial Chamber itself.  
3 You're familiar with the procedure. Before you start your testimony, you  
4 are required under our rules to enter the solemn declaration that you are  
5 familiar with. Please read it out aloud and that will be your  
6 undertaking with us.

7 THE WITNESS: [Interpretation] I solemnly declare that I will  
8 speak the truth, the whole truth, and nothing but the truth.

9 WITNESS: MOMIR NIKOLIC

10 [Witness answered through interpreter]

11 JUDGE AGIUS: Thank you. Please make yourself comfortable. Take  
12 a seat.

13 THE WITNESS: [Interpretation] Thank you.

14 JUDGE AGIUS: Let me explain to you very briefly what's going to  
15 happen today, and I would suppose the next few days. We have a few  
16 questions for you, following which we will then hand you over to the  
17 Prosecution and the various Defence teams that might be interested in  
18 cross-examining you. At the end of that, you can go back to where you  
19 came from.

20 Judge Prost has been delegated by us to put a few questions to  
21 you.

22 Judge Prost.

23 Questioned by the Court:

24 JUDGE PROST: Mr. Nikolic, good morning. With reference to --

25 A. Good morning.

1 JUDGE PROST: -- your original statement of facts which you filed  
2 with the original Trial Chamber in your matter, it was filed on the 6th  
3 of May, 2003, I am asking you whether you confirm that original statement  
4 of facts with the qualifications that you have provided in the statement  
5 of facts -- the further statement of facts which you filed with this  
6 Trial Chamber on the 17th of April. Do you confirm both of those  
7 statements of facts?

8 A. Yes.

9 JUDGE PROST: And --

10 JUDGE AGIUS: One moment, Judge Prost, before you proceed, there  
11 was one further thing I wanted to draw your attention to which I forgot,  
12 and that is you would have noticed in the courtroom the presence of  
13 Mr. Tansey, your lawyer. He will be looking after your interests here  
14 during the course of your testimony. You cannot communicate with him, of  
15 course, but he is free to make representations if there is anything that  
16 you feel ought to be brought to our attention. Thank you.

17 Yes -- sorry, Judge Prost. Go ahead.

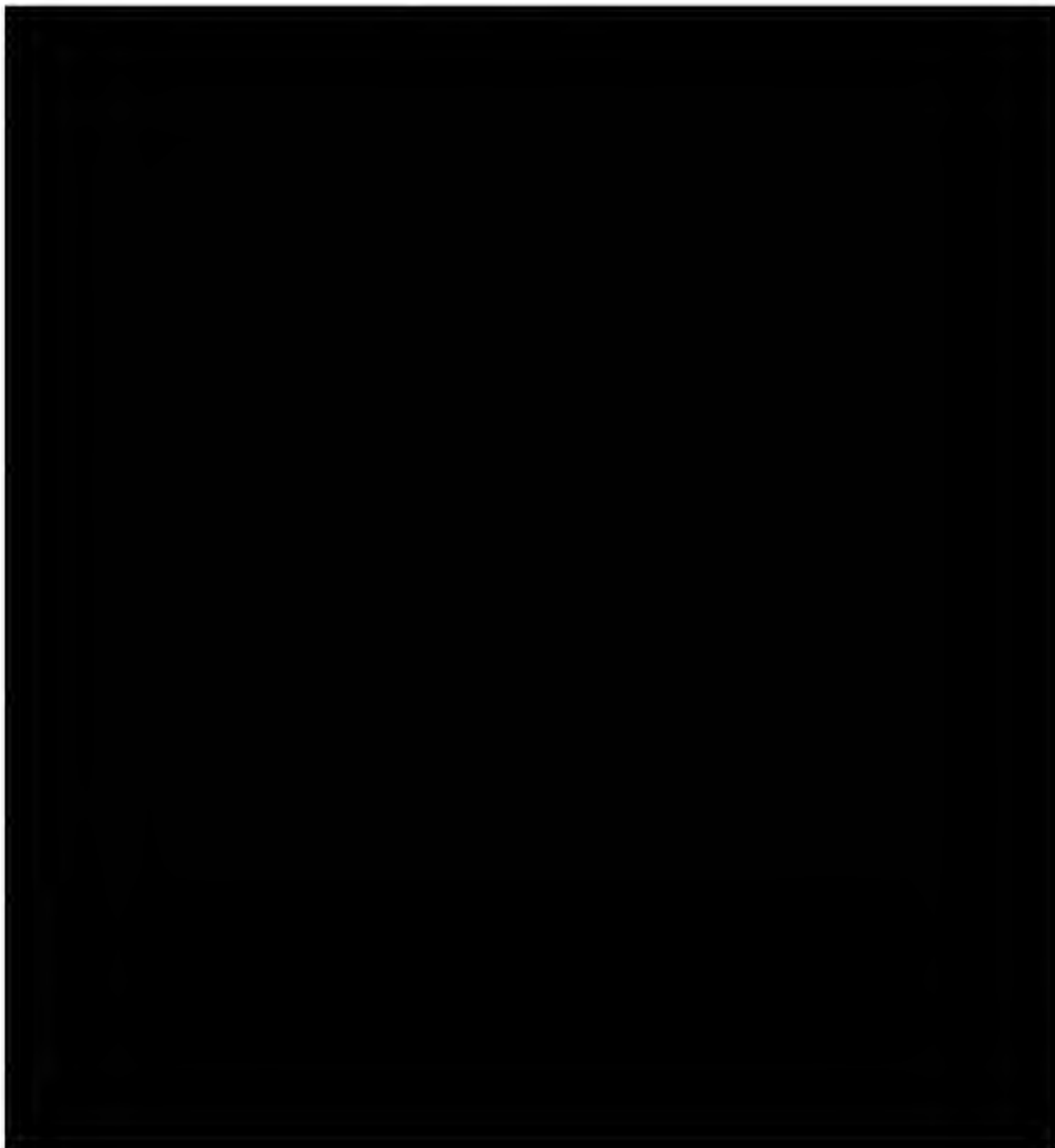
18 JUDGE PROST: And in respect of those two statements, those  
19 constitute your declaration, and can you confirm that were you to be  
20 examined on those statement of facts directly today that you would give  
21 the same responses to any questions as you provided in those two  
22 declarations?

23 A. Yes, I can confirm that.

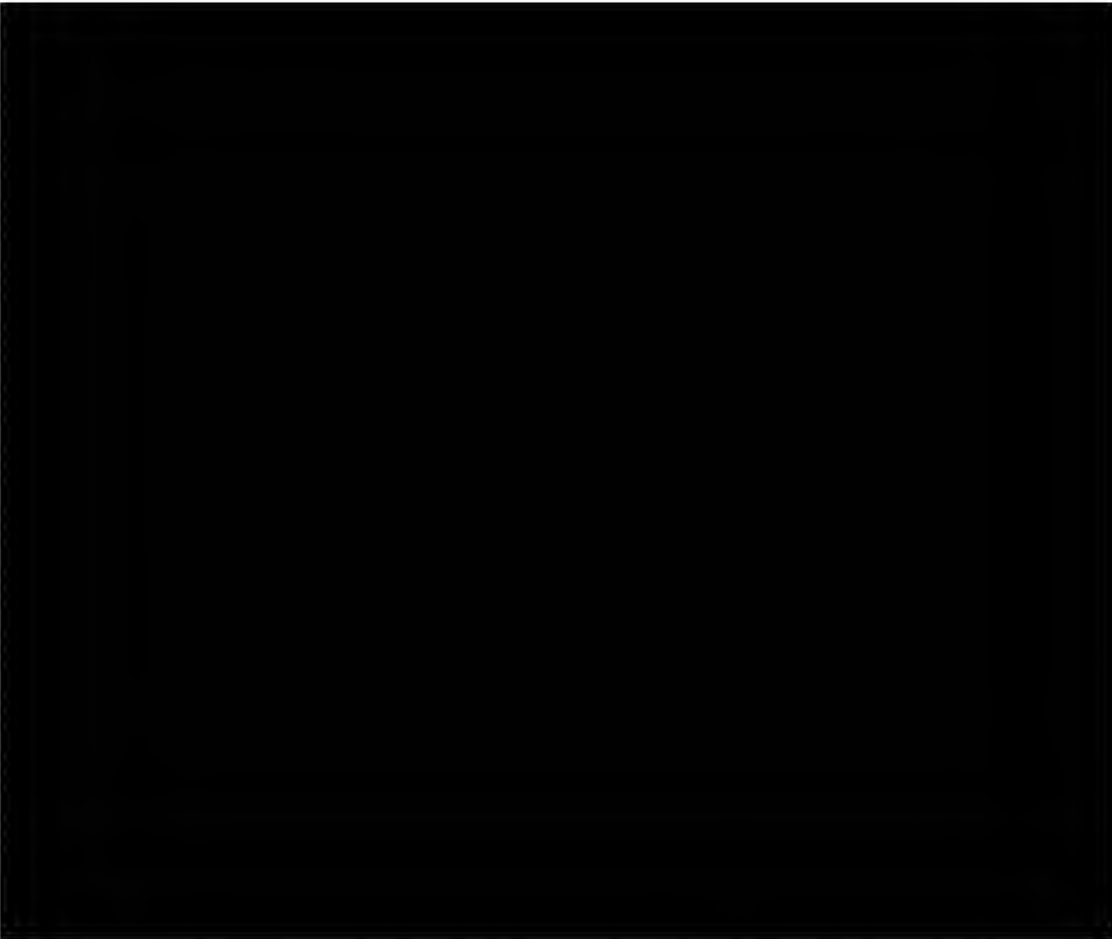
24 JUDGE PROST: Thank you. And on the basis of that confirmation,  
25 the Trial Chamber is admitting into evidence the original statement of

1 facts attached to the plea agreement in relation to the case of  
2 Momir Nikolic and the further statement of facts of the 17th of April,  
3 2009, filed before this Trial Chamber.

4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17



18 JUDGE PROST: Mr. Nikolic, we just have a few questions for you  
19 following up from the statements which have been filed before us. And  
20 initially, I'm going to address this question to Mr. Zivanovic,  
21 Mr. Ostojic, Ms. Nikolic. In the content of the statement of facts  
22 produced by the witness, there is reference therein to Vujadin Popovic,  
23 Drago Nikolic, and Colonel Beara.

24 Now, without, of course, addressing the substance of what is  
25 alleged to have been said or to have been done, I want to know from

1 counsel whether there is any dispute that the references to those three  
2 individuals are references to your respective clients; and I also wish to  
3 know whether you take any issue with Mr. Nikolic's ability to identify  
4 those three individuals.

5 Perhaps we will start with you, Mr. Zivanovic.

6 MR. ZIVANOVIC: Do you ask me about the reference of my client  
7 and ability of Mr. Nikolic to identify him?

8 JUDGE PROST: Yes, I am asking you, Mr. Zivanovic, whether you  
9 accept that the references that Mr. Nikolic makes in his statement of  
10 facts to Vujadin Popovic --

11 MR. ZIVANOVIC: Yes.

12 JUDGE PROST: -- are, in fact, references to your client.

13 MR. ZIVANOVIC: Yes.

14 JUDGE PROST: You accept that fact?

15 MR. ZIVANOVIC: Yes.

16 JUDGE PROST: And you don't dispute Mr. Nikolic's ability to  
17 identify your client?

18 MR. ZIVANOVIC: Sorry, no.

19 JUDGE PROST: Thank you Mr. Zivanovic.

20 Mr. Ostojic, the references to Colonel Beara?

21 MR. OSTOJIC: I do, Your Honour.

22 JUDGE PROST: You dispute the references to Colonel Beara as  
23 being references to your client.

24 MR. OSTOJIC: Correct, Your Honour.

25 JUDGE PROST: Okay. Thank you. Ms. Nikolic, do you dispute the

1 references to Drago Nikolic as being references to your client?

2 MS. NIKOLIC: [Interpretation] No, I don't, Your Honour.

3 JUDGE PROST: And you accept that Mr. Nikolic is in a position to  
4 identify your client?

5 MS. NIKOLIC: [Interpretation] He can identify my client. Of  
6 course, I dispute the context in which my client's name is referred to in  
7 the statement of facts.

8 JUDGE PROST: Of course. Thank you. Then dealing, Mr. Nikolic,  
9 in your original statement of facts - and I can refer you particularly to  
10 section 10 of the statement of facts - if you want to have reference to  
11 it. You indicate that:

12 "In the evening of the 13th of July, I was having dinner at the  
13 Bratunac Brigade headquarters when I received a call from a communication  
14 room to report directly to Colonel Beara in the centre of Bratunac. I  
15 travelled to the centre and met with Colonel Beara at about 2030 hours."

16 Mr. Nikolic, at the time did you know Colonel Beara?

17 A. Yes, I did.

18 JUDGE PROST: You had met him on previous occasions?

19 A. Yes, I had.

20 JUDGE PROST: And what position did Colonel Beara occupy at the  
21 time?

22 A. Colonel Beara, at the time, was the chief of security  
23 administration at the Main Staff of the VRS.

24 JUDGE PROST: And the Colonel Beara that you are referring to, is  
25 he present in court today?

1           A.     Yes, he is present.

2                   JUDGE PROST:   And can you just, for our purposes, identify where  
3     he is seated?

4           A.     Certainly.  He's in the back row, the second person -- or,  
5     rather, the person next to Mr. Popovic.  There is Mr. Popovic and  
6     Mr. Colonel Beara.

7                   JUDGE PROST:   Thank you.  Now, Mr. Nikolic, in your statement of  
8     facts you describe a conversation that you had outside the Hotel Fontana  
9     on the morning of the 12th of July.  This is a conversation, and this is  
10    in section 4 of the second paragraph, a meeting you had with  
11    Lieutenant-Colonel Popovic and Lieutenant-Colonel Kosoric, during which  
12    conversation you are told about the intention to separate the able-bodied  
13    Muslim men and to execute them.  So you have that knowledge as of the  
14    morning of the 12th of July.

15                   Now, you then spend, according to your statement of facts, much  
16    of the day on the 12th at Potocari assisting in that separation process  
17    and working with others in dealing with the movement of people and the  
18    separations.  You describe in particular working with Dusko Jevic, did  
19    you discuss with him that day the fact that the men, the able-bodied men  
20    being separated were to be killed?

21           A.     Well, no.  Not in the sense that we discussed it directly.  In my  
22    statement, and in my previous testimony, I said that I was in contact  
23    with Dusko Jevic being the only officer I had contact with.  At a certain  
24    point in time I assisted with what the problem was at the moment, and it  
25    had to do with the buses and the transport of people.  It was Dusko Jevic



1       who was tasked with that. Therefore, I did not discuss any murders with  
2       Dusko Jevic. Everything else, this separation and the other things that  
3       were taking place, were obvious. Everyone could see that, including  
4       myself.

5               In my statement, I referred to the way I was in contact with  
6       Mr. Dusko Jevic, and I also said that he was the only officer I had  
7       contact with. I also stated that I assisted him in transporting the  
8       people from Potocari.

9               JUDGE PROST: At the same time on the same day you speak about  
10      working with others in what was going on in Potocari, military and MUP  
11      units, Drina Corps military police, you've listed a number of individuals  
12      in section 6 of your original statement. On the 12th, did you have any  
13      discussions with any of those individuals about the fact that these men  
14      were to be killed?

15      A. No, no. Not on that day in front of the Fontana or at Potocari.  
16      I did not have any contact with or talk to any other participants in the  
17      operation of the transportation of people from Potocari.

18              JUDGE PROST: So you're saying that neither on the 12th nor on  
19      the 13th during the course of that activity at Potocari, on neither day  
20      did you have any discussion with anyone about the fact that these men  
21      were going to be separated and killed?

22      A. No. I never testified to that effect, and I never mentioned it  
23      in my statement. I never said that I discussed the murder of those  
24      people with anyone in Potocari. As I explained, the next day on the  
25      13th, since on the 13th I was in Potocari briefly, I stated that I saw

1 Dusko Jevic again. By mere circumstances, the military police of the  
2 Bratunac Brigade was working there together with the unit commanded by  
3 Dusko Jevic, or the unit that he worked with. On that day we met only  
4 briefly and then I left Potocari, and on the 13th, I did not return.

5 JUDGE PROST: Thank you.

6 [Trial Chamber confers]

7 JUDGE AGIUS: Thank you, Judge Prost.

8 Mr. Thayer, cross-examination, if you have any. Go ahead.

9 MR. THAYER: Thank you, Mr. President, and good morning to and  
10 Your Honours, good morning everyone.

11 Mr. President, I do have cross-examination for Mr. Nikolic. I  
12 think I will be taking the allotted time to do so.

13 Cross-examination by Mr. Thayer:

14 Q. Good morning, Mr. Nikolic. Allow me to introduce myself. My  
15 name is Nelson Thayer, I will be asking you questions on behalf of the  
16 Prosecution today.

17 A. Good morning, Mr. Thayer.

18 Q. Sir, I want to begin by showing you a log-book I believe you'll  
19 recognise, that you are familiar with. I have the original here, I don't  
20 know if you have your glasses with you. You may need them. I think the  
21 original will be easier to look at.

22 MR. THAYER: It is 65 ter -- actually P00220.

23 Q. I would just ask you to take a look at it and see if you can  
24 recognise what it is.

25 A. What is the number of the document?

1 Q. This is our exhibit number for this trial, P0220?

2 A. Yes, yes. I understood. I do recognise the document.

3 Q. And what is it, sir?

4 A. These are the daily reports of the MP detachment -- platoon, of  
5 the 1st Light Infantry Bratunac Brigade.

6 Q. What I would like to do with you, sir, is just go to a couple of  
7 entries in this log-book and ask you some questions about them. If you  
8 could turn to the page for the 12th to 13th of July, and you may recall  
9 you can probably see that the dates are in the upper left-hand corner.  
10 This is on page 16 of the original B/C/S in e-court, and that's page 13  
11 of the English.

12 A. The 12th and the 13th of July, 1995. I've found it.

13 Q. Sir, there is a reference here to the UNHCR - there are a couple  
14 of references, in fact - indicating that the military police were  
15 securing the UNHCR at the school. And I think you've told us before -  
16 and I'm just asking you to clarify before this Trial Chamber - whether  
17 that reference to UNHCR is correct or if that refers to some other entity  
18 that was being secured at the school by the Bratunac Brigade MPs?

19 A. I think -- or, rather, I'm absolutely positive that this is a  
20 mistake of the policemen who made the entries. They did not distinguish  
21 members of the UNHCR and members of the DutchBat, who were in Bratunac at  
22 the time. This is, as a matter of fact, providing security to soldiers,  
23 members of the DutchBat, who at the time were billeted at the school.

24 Q. And which school was that, sir?

25 A. They were billeted in the Djuro Pucar Stari high school in

1 Bratunac, that is the only high school or mid-level school there is in  
2 Bratunac.

3 Q. Now, if we could turn to the page for the 14th to the 15th of  
4 July, and this is at page 17, just the next page in B/C/S in the e-court,  
5 and 14 in the English, sir. Do you see the entry for the 14th, 15th of  
6 July?

7 A. Yes, I do.

8 Q. There is a reference here to - and I'll just quote: "The police  
9 was engaged in the escort of Muslim refugees." What's that a reference  
10 to for this date, the 14th?

11 A. On the 14th, in the morning, the police of the Bratunac Brigade  
12 or its parts took part in the transfer of Muslim refugees as part of the  
13 convoy which was departing for Zvornik.

14 Q. And when you refer to "Muslim refugees and convoy," who are we  
15 talking about, sir, more specifically in terms of these Muslims; and  
16 where were they before they were brought on this convoy to Zvornik?

17 A. This has to do with the Muslims who on the 12th and 13th of July  
18 were separated in Potocari. It also includes the Muslims who, on the two  
19 days, were captured along the road Bratunac-Kravica-Konjevic Polje and  
20 subsequently transferred to Bratunac. All those Muslims, the captured  
21 ones, who put in the Vuk Karadzic school building, as well as the other  
22 facilities, all of them were transported on the 14th onboard buses and  
23 trucks to Zvornik.

24 MR. THAYER: And if we could just turn the page, please, to the  
25 next entry, and then one more page to the entry for the 17th of July,

1       please.

2               THE WITNESS: [Interpretation] I've read it.

3               MR. THAYER:

4           Q.   There is a reference here in the log to:

5               "One police patrol remained in Pilica to secure and guard the  
6       Muslims."

7               Can you tell the Trial Chamber what that refers to and how you  
8       know that?

9           A.   Yes. I made a slight correction in the additional statement of  
10       facts. It is a matter of terms which, however, do not change the essence  
11       of what took place. A patrol of the military police of the Bratunac  
12       Brigade on the 17th of July remained in Pilica in order to secure the  
13       captured and detained Muslims in the facilities in Pilica. I learned of  
14       that subsequently, not on the same day, not on the day when they were  
15       held there, but later, from the commander of the MP platoon of the  
16       Bratunac Brigade, Mirko Jankovic, who told me that a patrol remained  
17       there.

18               What was the other part of the question? I think there was  
19       something else.

20           Q.   Actually, there wasn't, sir, you've covered it, but I do have a  
21       follow-up question.

22           A.   Very well.

23           Q.   How much later from this day did Mirko Jankovic tell you that a  
24       patrol had remained in Pilica?

25           A.   I couldn't tell you precisely. Perhaps a day or two later. I

1 truly cannot recall. I do not remember the exact date. In any case,  
2 immediately afterwards, one or two days at the most after they were held  
3 there.

4 Q. Okay. I want to look at just one more entry in this log. If you  
5 could - and this is at page 24 of the original, and it's -- should be the  
6 last page in the English, page 21. I think it's an additional  
7 translation that was done.

8 And, sir, I'd ask you to look for the entry for the 23rd and 24th  
9 of July.

10 A. I read it.

11 Q. There is a reference here to six Muslims who are brought in and  
12 are now in custody; two other Muslims were brought later but sent back to  
13 Skelani because they had cut their throats, so they were sent back. What  
14 can you tell the Trial Chamber about these two prisoners?

15 JUDGE AGIUS: One moment, Mr. Nikolic.

16 Ms. Nikolic.

17 MS. NIKOLIC: [Interpretation] Your Honour, this is not an  
18 objection. It seems that the date on the English version and the B/C/S  
19 version do not correspond. In B/C/S, it says the 22nd and the 23rd;  
20 whereas in the English we have the 23rd and 24th of July, 1995. I do  
21 believe that the body of text is the same, but that there is a mistake in  
22 terms of dates.

23 JUDGE AGIUS: All right. So according to you the correct dates  
24 are 22nd and 23rd, I suppose.

25 MR. THAYER: I thank my friend. That is a simple mistranslation

1 in the English.

2 JUDGE AGIUS: All right.

3 JUDGE KWON: It's not a mistranslation it's the wrong page, they  
4 showed the wrong page.

5 MS. NIKOLIC: [Interpretation] Yes, it was the wrong page.

6 JUDGE AGIUS: Okay. Thank you, Ms. Nikolic. Thank you,  
7 Judge Kwon.

8 Mr. Thayer, you may proceed.

9 THE WITNESS: [Interpretation] May I reply? Regarding the two  
10 captured Muslims who were brought to the Bratunac Brigade, it concerned  
11 the following: They were captured, as far as I know, in Skelani, by the  
12 Skelani Battalion. The commander of the Skelani military police brought  
13 them to the Bratunac Brigade wanting to hand them over. I did not allow  
14 that. The MP commander spoke with me, and I told him that the two  
15 detainees were not to be put in custody or detained there, but that they  
16 should see a doctor, that they should go to the health clinic. They were  
17 in need of medical assistance, not to be put in I gaol.

18 I don't know what the fate of the two men was. I do know that  
19 they were not handed over to the Bratunac Brigade. They put them back in  
20 the vehicle they had come with and took them away. That's what I can  
21 tell you about the two Muslims.

22 MR. THAYER:

23 Q. Okay. Thank you, sir, we are done with that document. You can  
24 close up the log and we'll move on. Thank you.

25 I want to turn your attention to the period of time immediately

1 before the Serb forces entered Potocari. Did you have an occasion to be  
2 at Zuti Most at some point at Yellow Bridge prior to the Serb forces  
3 actually entering Potocari and, if so, did you meet with any VRS or MUP  
4 commanders at that time?

5 A. Could you be more precise, if possible? I met people at  
6 Zuti Most a great many times. If you have the dates of operation in  
7 mind, then I can tell you that on the 11th of July at Zuti Most, I met  
8 with Mr. Borovcanin.

9 Q. Can you tell the Trial Chamber about that meeting? How did it  
10 come about and what happened?

11 A. On that day, the 11th, I was notified and told to come to  
12 Zuti Most. I was told that Colonel Borovcanin was there with part of his  
13 forces that accompanied him. I arrived there some ten or 15 minutes  
14 later, Mr. Borovcanin asked me or, rather, we talked about where were the  
15 positions, the targets of Muslim units that could be seen from Zuti Most.  
16 This was supposed to include the targets on the left-hand side of the  
17 road and the right-hand side of the road in the direction of Bratunac and  
18 Srebrenica.

19 To be specific, on the left-hand side it was the village of  
20 Likari and the positions and fortified positions there. On the  
21 right-hand side of the road, it had to do with the village of Budak where  
22 also there were fortified Muslim forces. There were bunkers, fortified  
23 buildings, et cetera. The basic reason why Mr. Borovcanin asked me to  
24 tell me about that was that I was the chief of the security intelligence  
25 organ at the Bratunac Brigade, and I had information where certain



1 fortifications were.

2 As for why Mr. Borovcanin asked me that was to engage the targets  
3 directly from the area of Zuti Most. That is basically the long and  
4 short of it. I did indicate to him the positions I knew about, and the  
5 information that I had concerning the enclave. Mr. Ljubisa Borovcanin  
6 then subsequently engaged the targets using a T-55 tank. I also need to  
7 add that at that time when Mr. Borovcanin was firing at those positions,  
8 I subsequently learned and had information that on the 11th in the  
9 afternoon, at those positions there were no longer any Muslim forces  
10 left.

11 Q. Just a quick follow-up, sir. You referred to Mr. Borovcanin as  
12 Colonel Borovcanin. Is that how you knew him at the time, by that rank?

13 A. As far as I know, I think he was a colonel with the police, but,  
14 however, I am not absolutely sure. I do believe that this was -- he was  
15 addressed in that manner by his soldiers and by the people who knew him,  
16 but I am not sure which ranks existed in the police at the time.

17 Q. Turning your attention to that evening, sir, I want to see if we  
18 can get a sense of what the intelligence picture was that you had going  
19 into the evening of July 11th. Can you tell the Trial Chamber what  
20 information you had regarding Muslim men in the area of Potocari and  
21 what, if anything, you did with that information that night?

22 A. On the evening of the 11th or, rather, in the afternoon as well,  
23 a large number of Muslims were walking towards the UNPROFOR compound, and  
24 they eventually arrived there in Potocari. Some previous information  
25 that we had and the current information also received from reconnaissance

1 units from the battalions and units who were in direct contact with the  
2 Potocari sector indicated that among the civilian refugees from  
3 Srebrenica there was a large number of Muslim men in Potocari, among them  
4 those who were fit for military service.

5 According to our estimate, and I underline these were our  
6 estimates as well the estimate of those people who were working on these  
7 issues and directly observing this whole process, say that there were  
8 between 1.200 and 1.500 able-bodied Muslim men. I can explain to you  
9 very briefly on what our estimates were based. For a very long time  
10 there were 50, 60, even 70.000 men at one point in the area of  
11 Srebrenica, and I am talking about the municipality of Srebrenica.

12 Of course, such a large number of able-bodied men, due to the  
13 lack of weapons, were not militarily engaged in units, but they were fit  
14 for military service. So on the basis of this estimate we assessed that  
15 at the time between 1.000 and 2.000 able-bodied men were in Potocari.

16 All this information received on that day, primarily from the  
17 2nd Infantry Battalion, and that was the battalion in direct contact with  
18 the Potocari compound and that area, therefore, this information plus an  
19 analysis of the overall situation prevailing on the evening of the 11th,  
20 I put together into an intelligence report which through usual channels I  
21 faxed to the intelligence service's department -- intelligence and  
22 security department of -- of the Drina Corps. I also orally informed one  
23 member of my command, and that also happened on the evening of the 11th.

24 Q. And just briefly, sir, who was that member of your command?

25 A. That evening, I informed members of the command who were present

1 in the Bratunac Brigade HQ, these are staff officers who were part of the  
2 corps command. And, of course, all this information and intelligence was  
3 relayed to my commander as well, which is absolutely a regular procedure,  
4 and I'm talking about my commander, Vidoje Blagojevic.

5 Q. Now, during this period of time - and I'm talking about the  
6 Krivaja 95 operation and the days immediately following - there was a  
7 Main Staff intelligence officer by the name of Colonel Radoslav Jankovic  
8 present in your brigade; is that correct?

9 A. Yes, that's correct.

10 Q. And where did he make his office during this period of time?

11 A. During that period, Colonel Jankovic was sharing an office with  
12 me.

13 Q. And during the 11th of July, did you share this information  
14 regarding the number of Muslim men in Potocari directly with  
15 Colonel Jankovic, sir?

16 A. Well, let me tell you, there was no need for me to convey this  
17 information to Colonel Jankovic because Colonel Jankovic was aware of all  
18 the information that arrived in my office and vice versa. So he knew  
19 absolutely everything that was happening in that period on that day or  
20 that evening, and he knew everything about the manner, time, and content  
21 of my report going out into the superior command. And you can see it  
22 from the documents, we very often worked together on these reports.

23 So, Mr. Colonel Jankovic wrote his reports from my office and  
24 sent it out in the name of the organ for security and intelligence  
25 affairs of the brigade. In other words, Colonel Jankovic knew about this

1 information and about the overall situation in the -- in Potocari at that  
2 time.

3 Q. Now, going into the morning hours of 12 July, sir, [French on  
4 English Channel].

5 MR. THAYER: I'll keep trying, still French.

6 JUDGE AGIUS: If that could be corrected, please. It's not that  
7 I don't like French, but. All right. Is it okay, now? I don't think we  
8 are receiving interpretation in French anymore now. Let's proceed, thank  
9 you.

10 MR. THAYER:

11 Q. Again, focussing on the intelligence picture that you had going  
12 into the morning of 12 July, had you received more information about the  
13 whereabouts of the Muslim men from Srebrenica that morning?

14 A. Yes, already in the morning of the 12th and later on, even more  
15 intensely, information started pouring in that elements of the Muslim  
16 forces who were pulling out towards Muslim-controlled or free territories  
17 were in the Jaglici and Susnjari sectors, and that they are using this  
18 axis for pulling out of Srebrenica. Yes, we did have this information.

19 Q. And presumably that information is being received and then sent  
20 up both the intelligence chain as well as the command chain so that the  
21 appropriate individuals and organs are notified; is that fair to say?

22 A. That's correct.

23 Q. Now, I want to spend a little bit of time with you, sir,  
24 discussing this conversation that you had with Colonels Popovic and  
25 Kosoric in front of the Fontana before the third meeting in the morning

1 of 12 July.

2 You've already spoken a little bit in answer to Her Honour's  
3 questions, but I want you to please, if you can, provide as much detail  
4 as you can for the Chamber about how this discussion came about.

5 A. First of all, I have to explain in detail in order to avoid any  
6 you misunderstandings. What happened in front of the Fontana was in no  
7 way a meeting.

8 That's the first thing that I would make -- or like to make  
9 clear. So at 10.00 on that day, that was on the 12th, a third meeting  
10 had been set between the Dutch battalion, representatives of the Muslim  
11 side, representatives of the civilian authorities of Bratunac, and  
12 representatives of the MUP, police, and Army of the Republika Srpska.  
13 You know who participated in this meeting. I can give you these names,  
14 but I don't think it's necessary.

15 Immediately before the meeting started, Mr. Popovic was supposed  
16 to take part in this third meeting and we met each other in front of the  
17 Fontana Hotel for a very short period of time, five minutes, seven  
18 minutes, but not more than ten minutes. That's how long we spent in  
19 front of the hotel. And the conversation went more or less like this: I  
20 asked him what was going to happen next. I knew all the details about  
21 the situation, and I heard at the previous two meetings what the plans  
22 were and what the general mood was.

23 Mr. Popovic answered that probably the Muslim forces or, rather,  
24 the civilians, women and children, and people who are not fit for  
25 military service, that this whole population would be transported to the

1 Muslim-controlled territory which implied the town of Kladanj. He also  
2 said that the so-called screening would be carried out in order to  
3 separate able-bodied men, to identify those who had committed or who are  
4 suspected of committing war crimes, et cetera. However, at this point in  
5 time, I really have to provide an additional information.

6 After all this, something happened that was absolutely never  
7 planned nor did I grasp from my conversation with Mr. Popovic that  
8 something could happen. Except in the first convoy, our -- not only  
9 able-bodied men were separated, but all, all men who were in Potocari  
10 were separated from their families and put on bus -- actually, first  
11 detained in Potocari.

12 Therefore, I asked Mr. Popovic what was going to happen to these  
13 men because, to be honest, not even then I couldn't -- could understand  
14 why these men were being set aside. What was the purpose of all that? I  
15 was given a simple answer, Popovic told me in his usual way of putting  
16 things: All the balijs have to be killed. That was, in a nutshell, my  
17 conversation with Popovic.

18 In light of the circumstances and the situation that these men  
19 were going to be separated, I said that the only area in Bratunac where  
20 it is possible to detain these Muslims after they had been separated were  
21 the facilities in Bratunac, i.e., Vuk Karadzic elementary school, the  
22 hangar, and some facilities situated in that part of the town. All those  
23 who were separated in Potocari were, indeed, transported and detained in  
24 the Vuk Karadzic elementary school, in the old school in Bratunac, in the  
25 hangar, and other facilities located in this district of the town. This

1 is what happened.

2 A similar conversation took place after the meeting between  
3 myself and Mr. Kosoric. He also kept saying that all the Muslims will be  
4 deported to Kladanj, that the screening will take place in order to  
5 separate the able-bodied men and those who were suspected of being war  
6 criminals, and as I said, this conversation is almost identical to the  
7 one that I had previously.

8 One more thing happened at that time is the following, but of  
9 course it took place after the meeting, and that is that I had a  
10 conversation with two officers from the Dutch Battalion. They asked me,  
11 Mr. Nikolic, what is going to happen next? I told them everything is  
12 settled, everything is regulated, the buses will be here and you go back  
13 to Potocari and wait for the buses. This would be briefly the summary of  
14 my conversation with Mr. Popovic. Before the meeting, Mr. Petar Sumljic  
15 [phoen] was also present there, including later two members of the Dutch  
16 battalion with whom I spoke after the meeting at around 10.00.

17 Q. Sir, I want to go back and focus on your statement of facts. If  
18 you have it there, and this is at section 4 of the statement of facts.  
19 And that would be -- and this is 65 ter 4489 in e-court.

20 JUDGE AGIUS: Can anyone -- yes, but can anyone identify the  
21 source of this noise, if it's near enough to him? Just want to make sure  
22 that it's not some kind of gas leak or whatever.

23 [Trial Chamber and registrar confer]

24 JUDGE AGIUS: I think it's safe advice. We'll have a break now  
25 for 25 minutes. Thank you. But also we need to establish whether the

1 noise or whatever is also in there where the accused and the witness are  
2 being kept, because if it's something that needs to be attended to I want  
3 to make sure that they are safe. Thank you.

4 --- Recess taken at 10.21 a.m.

5 --- On resuming at 10.51 a.m.

6 JUDGE AGIUS: Yes, Mr. Thayer. You've been putting questions for  
7 44 minutes already. May I just remind you that this is not a direct.  
8 You are cross-examining the witness, and you are entitled to go straight  
9 to the point if you so wish, instead of going around in circles.

10 Yes, let's continue.

11 MR. THAYER: Thank you, Mr. President.

12 Q. Sir, let's go straight to where we were before, which is section  
13 4 of your statement of facts regarding this conversation that you had  
14 with Colonel Popovic before the third Fontana meeting. Have you had a  
15 chance to read that, sir?

16 A. Yes, I've looked at it.

17 Q. Now, in the statement of facts, you're very clear that:

18 "Popovic told me that the thousands of Muslim men and women in --  
19 Muslim women and children in Potocari would be transported out of  
20 Potocari towards Muslim held territory near Kladanj and that the  
21 able-bodied men, Muslim men, within the crowd of Muslim civilians would  
22 be separated from the crowd, detained temporarily in Bratunac, and killed  
23 shortly thereafter."

24 That's the way the conversation happened, isn't it, sir?

25 A. Yes. What you have just quoted, I said a minute ago as part of



1 the explanation that I provided in response to your question. Maybe not  
2 in so many words, but basically this is what I stated.

3 Q. Now, sir, there was one thing I was a little bit confused about  
4 your answer before we broke. You made a reference to Muslims who were  
5 being permitted to leave on the first convoy on the 12th of July. I just  
6 want to make it clear, this conversation that you had with  
7 Colonel Popovic before the third Fontana meeting happened before any of  
8 the convoys left Potocari; isn't that correct?

9 A. Yes, certainly.

10 Q. And it is also correct, is it not, that as you told the RS  
11 [sic] Commission in answers to their question, this is at paragraph 26,  
12 you first realised that the Muslim men would be killed when you spoke to  
13 Popovic during this conversation; that's correct too, isn't it?

14 A. Yes, that's correct. That's when it dawned on me for the  
15 first time, and I think I was right in understanding the situation like  
16 that.

17 Q. Now, in the -- in your Trbic testimony - and this is at pages 29  
18 and 30 for my friends - you made some references to Mr. Popovic and  
19 Mr. Kosoric being agitated and angry when they were talking about the  
20 Muslims having to be killed; do you recall that?

21 A. I do, but I don't remember in which particular context I said  
22 that. I can only repeat that not only Mr. Kosoric and Mr. Popovic were  
23 agitated, angry, and nervous, everybody else was nervous, I, myself,  
24 included; and the answer is that all these people who you have mentioned  
25 were both nervous and angry.

1 Q. But I just want to make sure that we are clear about this  
2 conversation, sir. Your understanding during this conversation was that  
3 Colonel Popovic and Colonel Kosoric were looking for detention facilities  
4 as well as execution sites; correct?

5 A. I wouldn't use -- I have -- I received translation that they were  
6 looking for detention facilities. A short while ago in my testimony, I  
7 said that it was me who suggested and told them that there are facilities  
8 which were ear-marked for detention of the Muslims, i.e., the  
9 Vuk Karadzic elementary school and the other facilities that I mentioned  
10 earlier.

11 Q. And how about the Ciglane brickworks factory and the Sase mine  
12 location that were suggested as execution sites. Was that something you  
13 just came up spontaneously with, or were you asked to provide potential  
14 sites for the execution of the prisoners?

15 A. Nothing in similar, nothing specific, no requests or suggestions  
16 were made. Quite simply, we discussed the issue and I, along with the  
17 two of them I mentioned as the locations where these men separated in  
18 Potocari and were temporarily detained can be executed. I manage -- I  
19 mentioned the brick factory and the Sase mine.

20 Q. Subsequent to this conversation, you had a conversation with  
21 Colonel Jankovic after the third Fontana meeting.

22 A. Yes.

23 Q. Now, your statement of facts indicates what the task was given to  
24 you by Colonel Jankovic, and you've expressed in your amended statement  
25 of facts that very clearly that you were not acting as a commander and

1        were not in a position to coordinate anything in the sense that  
2        coordination implies elements of the command function. Do I have that  
3        correct?

4            A. Yes, you're right.

5            Q. Now, for the record, Prosecution agrees with you, sir, that you  
6        were not a commander during this period of time. What I want to do is  
7        turn to your statement of facts - and this is 65 ter 4483, the amended  
8        statement of facts. And I'll just read two sections to you. And this is  
9        at page 3 of the English:

10            "As a reserve captain I neither coordinated nor supervised the  
11        transportation. That could only be done by high-ranking officers from  
12        the Drina Corps, the VRS Main Staff, and the RS MUP who had the power to  
13        issue orders and make decisions on their own."

14            And then further down you state that:

15            "The commanders or forces engaged in Potocari did not do anything  
16        to prevent their own units over which they had control and which they  
17        supervised from committing these abuses."

18            When you speak of the commander, sir, who exactly are you talking  
19        about?

20            A. I was referring to the commanders of units that were engaged in  
21        Potocari.

22            Q. Can you give us any examples that you know by name?

23            A. I can give you the name of the units that were engaged in  
24        Potocari or elements thereof. Of course, I know the names of the  
25        commanders, or a number of them; I don't know exactly who the commanders

1 of the other units were. I can mention and enumerate the units that I  
2 can positively say were present in Potocari.

3 Q. Okay. Well, I think you've done that in your statement of facts,  
4 so we don't need to repeat that there.

5 A. Very well.

6 Q. Just want to turn your attention back to Colonel Jankovic of the  
7 intelligence organ, and I'll just go directly to the document. It's  
8 65 ter 260.

9 A. Yes, I've seen it. I know which document we are talking about.

10 Q. Now, if we - and I would want to clarify two issues with respect  
11 to this document, sir - if we go to the last page of the handwritten  
12 document in the original, at the bottom.

13 MR. THAYER: If we can scroll down to the bottom of the original,  
14 all the way down. Thank you.

15 Q. There are some initials there. Can you tell us what those  
16 initials are, sir?

17 A. I see the initials Radoslav, maybe Jankovic, I think that's  
18 Colonel Jankovic's initials in the left-hand corner.

19 Q. So that would be RJ, sir?

20 A. Yes.

21 Q. Now, if we look at this last paragraph, Colonel Jankovic is  
22 asking what to do with the MSF and UNPROFOR staff. And this is again the  
23 last page in the handwritten and paragraph 3 of the English. When you  
24 were interviewed in 2003, you told us that what Colonel Jankovic was  
25 asking about here was to either let these individuals be evacuated or

1       have them joined -- join the other separated Muslims. Do you remember  
2       telling us that, sir? That that's what this memo is about, and if you  
3       want I can take you to the transcript page for it, but do you remember  
4       telling us that?

5       A. I do. I remember well what I said. I still assert that what I  
6       said then was true, and I can confirm that here today.

7       Q. And what is also true that you told us back then was that  
8       Colonel Jankovic understood, and this is the reason why he was asking so  
9       specifically, was that the men among those individuals who would be  
10      separated, if they were to be separated and not evacuated, would be  
11      killed. Do you remember telling us that as well, sir?

12      A. I still think the same thing. If you were to ask me that now, I  
13      would offer the same opinion. Had they been separated they would have  
14      been killed, much as the rest.

15      Q. I want to ask you some questions now, sir, about Potocari. You  
16      told us already that you were dealing with Dusko Jevic, and as far as you  
17      understood his immediate superior was Colonel Borovcanin; correct?

18      A. Yes.

19      Q. And can you tell the Trial Chamber with respect to the men who  
20      were being commanded by Colonel Borovcanin and Dusko Jevic who were at  
21      Potocari, what was the chain of command that was operating at that time?  
22      In other words, who commanded those special police brigade forces and  
23      other MUP forces who are in Potocari during the separations and  
24      transportations on the 12th and 13th?

25      A. Sir, it's a difficult question to be put to me. I'd rather not

1 go into commenting on the line of command and control in the MUP. The  
2 only reason why I don't want to talk about it is because in principal I  
3 know how it worked, but precisely and accurately as regards the mutual  
4 relationships within the chain during the operation, that is something  
5 that I am not fully familiar with. I am only familiar with it generally  
6 speaking, and probably it applies to Potocari as well; but it is for that  
7 reason I would kindly ask you not to require from me to define the system  
8 of command and control of the MUP, because I am not fully familiar with  
9 it.

10 Q. Don't worry, sir, I am not asking you to be a MUP expert. We've  
11 already heard from a couple of those guys. What I am asking you is, for  
12 example, were you in command of these special police brigade forces in  
13 Potocari on the 12th and the 13th?

14 A. No, I was not. I was not in command of any brigades or units,  
15 police units, that were engaged in Potocari.

16 Q. To your knowledge was anyone from the Bratunac Brigade commanding  
17 the MUP units in Potocari on the 12th and 13th?

18 A. No.

19 Q. What was your understanding in terms of the respective chains of  
20 command, not in terms of the intricacies of how they were operating, but  
21 in terms of how the various units were operating together in Potocari?  
22 How were the members of these individual units, for example, the special  
23 police brigade, the Drina Corps MPs that you saw there, the Drina Wolves  
24 that you saw there, how were they receiving their orders in order to know  
25 what to do in Potocari on the 12th and 13th?

1           A.    I'll try to the extent possible for me to explain what you are  
2    asking.    According to the things I know, in Potocari there were certain  
3    units of the special forces, the special forces brigade, of the MUP.  
4    What I know is that the commander of the forces from the special MUP  
5    brigade was Mr. Borovcanin.

6           In addition to the special MUP brigade units in Potocari, there  
7    was also the police of the so-called -- well, they were called PJPs.   PJP  
8    units had their own commanders.   They had their own "komandir" and  
9    "komandant" who was in command of all those PJP forces.   As regards any  
10   other units in Potocari at the time, the battalion of the Bratunac  
11   Brigade had its own commander who was in direct command and control of  
12   the battalion pursuant to the brigade commander's orders.

13           Then there were units from the Main Staff that were directly  
14   subordinated to their own respective commanders from the areas they had  
15   arrived from.   There were parts of the 65th Protection Regiment that were  
16   subordinated to the commander of the regiment, i.e., the commander who  
17   was present in Potocari.   As for all other units from the Zvornik and  
18   other brigades, they had their commanders.   They were directly answerable  
19   to the commander of the unit engaged pursuant to brigade commander's  
20   orders.   In principal, that is what I can tell you about it.

21           What I think is this:   Control over all MUP units, I may be wrong  
22   in saying this, but this is what I think, control over the units of the  
23   special MUP brigade as well as the PJP units and the police units from  
24   the public security station in Bratunac, as well as all other police  
25   forces engaged in Potocari and in its environs, in my belief were under

1 direct command -- sorry, control of the chief of the centre,  
2 Mr. Dragomir Vasic. What General Krstic had within his purview as the  
3 command of the corps in terms of military forces, the same applied to  
4 Mr. Vasic when it came to police forces. That was my understanding of  
5 the engagement and command in the operation of evacuation from Potocari.  
6 That is my view about the way these units were engaged and commanded over  
7 within the police structure and military structure.

8 All forces that were engaged in the Srebrenica operation, and the  
9 operation of forcible transfer from Potocari, were commanded and  
10 controlled by the Chief of Staff General Krstic and the commander of the  
11 Drina Corps. Of course, once General Mladic was in the field in the area  
12 of Bratunac, then, of course, it was well known that it was  
13 General Mladic who made decisions, ordered through his subordinate  
14 officers, those being commanders of the corps, brigades, and all other  
15 units that took part in Operation Srebrenica. That is, in short, how I  
16 understand the chain of command and control of the units engaged in  
17 Operation Srebrenica and during the transport operation.

18 Q. And so just to tie that up, based on what you observed and what  
19 you understood, you had Colonel Borovcanin commanding, controlling,  
20 Dusko Jevic. How does he fit into Dragomir Vasic and his command and/or  
21 control?

22 JUDGE AGIUS: Yes, one moment, Mr. Nikolic.

23 Mr. Gosnell.

24 MR. GOSNELL: Mr. President, first of all that question misstates  
25 the answer. And, secondly, that's now the third time that my learned



1 friend has referenced my client as Colonel. The witness's answer on that  
2 point was clear, and I object to that being repeatedly put in the record  
3 what that does not reflect what the witness said.

4 JUDGE AGIUS: Yes, we don't need any comments on your last  
5 remark, but in relation to the alleged misstatement, what do you have to  
6 say, Mr. Thayer.

7 MR. THAYER: Mr. President, I am simply following up on this  
8 answer that the witness gave about his understanding of how it worked  
9 based on his experience there. He's talked about Mr. Vasic, and I think  
10 the natural follow-up question is, Okay, well, how did the men that you  
11 saw on the ground in Potocari fit into that? I think it's a perfectly  
12 natural follow-up question.

13 JUDGE AGIUS: Its not a question of whether it's a natural  
14 follow-up question, it's whether you are making a statement which  
15 reflects truthfully and faithfully what the witness has stated or whether  
16 you are twisting it somewhat as Mr. Gosnell is suggesting.

17 MR. THAYER: Well, Mr. President --

18 JUDGE AGIUS: I think he -- again, go straight to the question  
19 you need to ask in relation to the possible relationship between  
20 Borovcanin and Dusko Jevic according to the transcript. And --

21 MR. THAYER: I'll repeat my last question, Mr. President.

22 Q. How did Mr. Borovcanin and Mr. Jevic fit into this command  
23 structure as you understood it with Mr. Vasic?

24 A. It is difficult for me to answer that how Mr. Borovcanin fit  
25 within the command structure. It is my view that it was standard

1 structure prescribed by -- under law that was in place. I see no other  
2 logical explanation. In my view, the chief of centre, if I compare it to  
3 the army, what is within the remit of the security centre would  
4 correspond to the territory, perhaps not all of it but more or less the  
5 same territory under control of the corps commander. All forces within  
6 the area of the corps commander are subordinated to that corps commander.  
7 He is the boss and he is answerable for the actions of his subordinates.

8 I apply the same logic to the MUP. If there is a chief centre  
9 [as interpreted] in Bratunac and there were commanders of the brigade  
10 special forces of the MUP that were introduced in the area, as well as  
11 PJP units, which were at the level of the centre in terms of staffing,  
12 then the security stations and all of their forces, if we take all that  
13 into account, it is my conclusion that that relationship was the one that  
14 would be logical and valid within the framework of the MUP forces  
15 present. I cannot arrive at any other conclusion, and that is all I can  
16 tell you about it.

17 I may be mistaken. I have to reiterate I am no expert. I am not  
18 knowledgeable on MUP structure. I don't know what the relationships are  
19 within the chain of command, control, resubordination, et cetera, et  
20 cetera. I am not familiar with it to the extent needed to meet the  
21 requirements contained in your question.

22 Q. Let's move to Konjevic Polje --

23 JUDGE AGIUS: Yes, before you do so, Mr. Gosnell.

24 MR. GOSNELL: I apologise for the interruption. Apparently,  
25 there is either a transcription or translation error at page 37, line 1.

1        Instead of "If there is a chief centre in Bratunac," apparently the words  
2        were "If the chief of the centre is in Bratunac."

3                JUDGE AGIUS: Thank you. Let's proceed.

4                MR. THAYER:

5                Q. Let's move to Konjevic Polje. You refer in your statement of  
6        facts to seeing Nenad Deronjic there on the 13th of July. How did you  
7        know Mr. Deronjic to recognise him, sir?

8                A. I knew Deronjic firstly because I used to be his teacher;  
9        secondly, because he is a local. He hailed from a village that I hail  
10       from. I had known him from civilian life, and I used to be his  
11       high school teacher.

12              Q. And at the time were you aware that he was a member of the  
13       2nd Company of the Zvornik PJP, sir?

14              A. No, I did not know that he was a member of the Zvornik PJP  
15       company. I did know that he was a member of the police force without  
16       knowing which unit he belonged to.

17              Q. And you also referred to another individual named Mirko Peric,  
18       and who is he and how did you recognise him?

19              A. Yes. It was another police member. I think he belonged to the  
20       public security station in Bratunac. I have known him for a long period  
21       of time. He is senior to me, and I had known him as a member of the  
22       police station in Bratunac. I know him personally.

23              Q. And from what you could see, sir, both of them were there in  
24       their official capacities as police officers; correct?

25              A. Yes, I suppose so. They were engaged there, and I saw them there

1       when I was going to Konjevic Polje.

2           Q.    You also refer to taking Resid Sinanovic to Bratunac and leaving  
3       him with Zlatan Celanovic, a lawyer who is attached to the Bratunac  
4       Brigade military police platoon. Can you tell us a little bit about what  
5       you understood Mr. Celanovic's position and duties to be?

6           A.    I can. The light infantry brigade, that is to say my brigade was  
7       a light infantry brigade. In terms of establishment it had two  
8       functions: The intelligence and security one. And there were organs,  
9       respectively. Under law, I as the person representing the intelligence  
10      organ in a light infantry brigade was not an authorised official. I had  
11      no authority to conduct any affairs dealing with criminal law, and that  
12      should be clear straight away. Mr. Celanovic was engaged pursuant to an  
13      order and decision of the brigade commander. He was in charge of all  
14      procedure that had to do with collection, processing, and preparation of  
15      all criminal reports for certain crimes committed by members of the  
16      Bratunac Brigade or that they were suspected of committing.

17                In addition to that, in terms of percentages, in some 90 percent  
18      of the cases, he also conducted interrogations of the prisoners of war  
19      and all those who were brought in under that status. Based on that, he  
20      would compile minutes and reports that he would send to the commander.  
21      What was of interest to me as the security organ -- well, he would  
22      forward to me such type information. There are countless examples of  
23      that.

24                I received a number of criminal reports by Mr. Celanovic and  
25      reports on similar matters within the framework of the brigade. To put

1       it briefly, that was his main task.

2               THE INTERPRETER:   Could Mr. Thayer kindly speak into the  
3       microphone.   Thank you.

4               MR. THAYER:

5       Q.    Sir, while you were at Konjevic Polje you had an encounter with  
6       General Mladic.   Can you tell the Trial Chamber about that, please.

7       A.    Yes.   I encountered General Mladic in Konjevic Polje on the 13th  
8       of July.   After 12.30 or so, the time may have been half an hour prior or  
9       later, but it was within that period that General Mladic came.   I went  
10      out, I greeted him, briefed him, and the obligation number one for me -  
11      and it is why I had gone to Konjevic Polje the first time around - to  
12      check the safety of the road to be travelled by General Mladic.

13             I told him that things were fine, that there were no problems,  
14      and General Mladic spent some time in Konjevic Polje.   He talked to a  
15      group of captured Muslims who were in Konjevic Polje then.   After that,  
16      he told them that they shouldn't worry, that things would be fine, and  
17      that they were to be transported safely to their desired locations.

18             After that conversation with them, he moved about that area and  
19      he went back to his vehicle.   I asked him then, General, sir, what are we  
20      going to do with these people?   Because from one moment to the next there  
21      were more and more people who were captured.   There were men, of course,  
22      there were those who had surrendered, and when I asked him, General, sir,  
23      what is going to happen with these people, General Mladic made a gesture.  
24      He did this.   There was no other comment on his part.   He just made a  
25      gesture and that's it.   And there was no other conclusion I could draw

1 other than those people being -- that they were going to be killed, and  
2 that is precisely what took place in Konjevic Polje.

3 Q. And for the record the gesture you are describing is one of  
4 drawing your hand from left to right, palm facing down, just straight  
5 across chest level; correct?

6 A. Yes, that is what I saw. That is what he indicated then. Two  
7 minutes later he was in his car and went on from Konjevic Polje onwards.

8 Q. Now, when you testified in -- in the Blagojevic trial, and this  
9 is at page 2245 of the transcript for my friends, you stated that:

10 "I understood that to mean that those men would be killed." And  
11 then you went on to say: "Actually, I saw that to be a confirmation of  
12 what was already happening."

13 Can you explain that to the Trial Chamber a little bit, please.

14 A. There is nothing in terms of details that I can add. He  
15 indicated it, and in my view it could mean nothing else as was confirmed  
16 later. He meant precisely that. I have no further explanations to  
17 offer. It is perfectly clear to anyone familiar with the gestures used.  
18 I see no need to offer any other explanation. It is certainly clear to  
19 me as well as to all the others who saw me making the gesture. It is  
20 clear what the General meant.

21 Q. Just to clarify for the transcript, it says:

22 "The others who saw me making the gesture," it was General Mladic  
23 making the gesture, correct, sir?

24 A. No, no, no. I did not play that role. I had no authority. I  
25 was not in a position. Everything I said had to do with General Mladic.

1 THE INTERPRETER: Interpreter's note: We believe the witness was  
2 indicating himself as far as the gesture made in the courtroom now meant.

3 MR. THAYER:

4 Q. Now, my question more specifically, sir, was when you testified  
5 that you saw this gesture as a confirmation of what was already  
6 happening, what were you referring to when you said that you saw it to be  
7 a confirmation of what was already happening?

8 A. Well, it was a confirmation of what was going on in Potocari on  
9 the 12th. In other words, all the men who had been separated were  
10 already detained, so it was crystal clear only people who didn't want to  
11 understand that couldn't understand what the fate of those separated men  
12 would be and what the intention behind the separation was.

13 According to what Mr. Mladic and in the way in which he reacted  
14 made it clear that there would be no difference in the fate between those  
15 captured in Konjevic Polje and those who were already detained on the  
16 12th and separated and that the same fate awaits them as that of those  
17 who had been separated and detained in Potocari. This is what I had in  
18 mind and that's what I said then and that's what I'm saying now.

19 Q. Just so we are completely clear, what is that fate, sir?

20 A. Well, their fate was that they would be put in detention and  
21 later executed. That was the fate awaiting the men who had been captured  
22 on that road.

23  
24  
25

1

2 Q. Okay. I want to take you to the evening of 13 July. You've  
3 already spoken a little bit about Colonel Beara. Can you tell the  
4 Trial Chamber - and I won't review the account in your statement of  
5 facts, just to save a little bit of time - but when Colonel Beara told  
6 you that the prisoners were going to be transferred to Zvornik, had you  
7 heard that before or were you learning it for the first time in your  
8 conversation with Colonel Beara?

9 A. That was the first time that I heard that the prisoners from  
10 Bratunac who had been separated in Potocari and temporarily detained in  
11 Bratunac would be transferred to the territory of Zvornik.

12 Q. And when you drove up to the Zvornik Brigade command that evening  
13 and then subsequently to the forward command post, can you tell  
14 Trial Chamber, please, in as much detail as you can remember, what your  
15 conversation was with Drago Nikolic at that IKM.

16 A. That was a very short meeting. Drago Nikolic and I did not  
17 discuss any specific topics. I conveyed to Mr. Drago Nikolic only the  
18 order issued to me by Mr. Ljubomir Beara. I said to him that I had been  
19 sent by Mr. Beara to convey his order, that members who had been  
20 separated, i.e., the men from Bratunac who had been separated and housed  
21 in the facilities in Bratunac, would, during the day, be transferred to  
22 Zvornik and that his task was to prepare the facilities and men who will  
23 receive these prisoners. This is what I conveyed and that was actually  
24 more or less the content of the order that I had received from  
25 Colonel Beara.



1 I also told him at the end, because this conversation between  
2 Drago Nikolic and me didn't last longer than five minutes, I turned my  
3 vehicle, Drago came out in front of the forward command post, I told him  
4 what I had to tell him, conveyed the order, and I also said that I had  
5 information that these men who were being brought or taken to Zvornik  
6 would be executed. This is what I said to Drago Nikolic.

7 After that, I sat in my car and returned with my escort to the  
8 command of the Zvornik Brigade. This is where I dropped off the  
9 policemen and that same evening, I proceeded back to Bratunac to the  
10 command of my brigade.

11 Q. And the information that those prisoners would be executed, that  
12 was part of the order that you received from Colonel Beara to transmit to  
13 Drago Nikolic; correct?

14 A. Well, it was both information and order and everything that was  
15 at that point in time already clear to everyone. On the afternoon of the  
16 13th and on the evening of the 13th, it was clear to everyone - of course  
17 I am referring to those who wanted to see things - that these men who  
18 were separated were going to be put to death, and it was clear to  
19 everyone, including myself. I passed on information that I had  
20 information that these separated men were going to be executed.

21 Q. And what, if anything, did Drago Nikolic say to you in response  
22 to this order that you were conveying from Colonel Beara?

23 A. Mr. Drago Nikolic made no comment at all. He simply said, since  
24 he was at the forward command post, he said that he was going to report  
25 and inform him command and then see what happens next. Of course, it was

1       only to be expected and it was only logical that he was going to carry  
2       out the order that had been issued, but specifically Drago Nikolic didn't  
3       say anything about that apart from the fact that he was going to report  
4       to his command and act accordingly.

5       Q.   Now, after you returned to Bratunac that evening, you reported --  
6       you reported back to Colonel Beara that you had fulfilled the task that  
7       he had given you and passed the order to Drago Nikolic; correct?

8       A.   Yes, correct.

9       Q.   And then Colonel Beara summons you to a meeting at the SDS  
10      offices of Mr. Deronjic as a -- as you've stated in your statement of  
11      facts; correct?

12      A.   Yes, correct.

13      Q.   Can you tell the Trial Chamber where physically you were during  
14      this meeting?

15      A.   The premises where the meeting took place is made up of two  
16      rooms. One room is an office with a desk and the rest of it. The second  
17      room, or the other room, had a small desk in it and where the secretary  
18      of the president of the SDS was sitting. These two rooms have adjoining  
19      doors. At that meeting that evening, my task was and I was requested to  
20      go to the SDS office where we found the president of the SDS,  
21      Mr. Miroslav Deronjic, there was also Mr. Beara, and Mr. Vasic, the chief  
22      of MUP, was there as well. I did not take part either in the meeting --  
23      the debate or the discussion directly.

24               I was sitting there in the office of the secretary and the --  
25      this communicating door between these two rooms was simply open all the

1 time. At the beginning, there were arguments and there was shouting  
2 between Mr. Deronjic and Mr. Beara. After that they all sat down and  
3 continued to talk normally: Mr. Miroslav Deronjic, Mr. Beara, and  
4 Mr. Dragomir Vasic. Everything that I said about what they discussed and  
5 talked about is contained in my statement; therefore, I am reluctant to  
6 repeat that, and I can confirm it today if necessary.

7 JUDGE AGIUS: Mr. Nikolic, why do you think it -- according to  
8 you Mr. Beara summoned you to this meeting if you are not taking part in  
9 it?

10 THE WITNESS: [Interpretation] Mr. President, I was born in  
11 Bratunac. I took Mr. Beara to the offices of the SDS because, I suppose,  
12 that he didn't know, or perhaps he did, but the only reason was that the  
13 fact that Mr. Beara didn't know where the SDS offices were. I can only  
14 construe it that way.

15 As for my participation in the meeting where you have the chief  
16 of the security administration, the chief of the security centre, and the  
17 deputy or Mr. Karadzic, is not such a level of a meeting that I would be  
18 expected to make contribution to.

19 The man superior to me was Mr. Beara, so there was no place for  
20 me to take part in a meeting where my boss from the top echelon of the  
21 army is present. Therefore, I didn't take part in this meeting in any  
22 capacity, but I did have an opportunity to hear everything that was being  
23 discussed.

24 Now, if you're asking me whether it was necessary to discuss  
25 these problems because there were huge problems in Bratunac, the risks

1       were high, the situation was terrible, and nobody slept that night;  
2       therefore, it was necessary to undertake measures to try and place in a  
3       way everything under control because everything was out of control and  
4       there was total mayhem and anarchy in every respect.

5               JUDGE AGIUS: All right. And I may ask you the question myself  
6       or Mr. Thayer could take over from me. In page 46, lines 6, 17, and 18,  
7       you are recorded as stating here in the transcript:

8               "At the beginning, there were arguments and there was shouting  
9       between Mr. Deronjic and Mr. Beara. After that they all sat down," et  
10       cetera, "and continued to talk normally."

11              What were these arguments and what was this shouting about?

12              THE WITNESS: [Interpretation] The point was the status and the  
13       fate of the prisoners who were in Bratunac and who, on that night of the  
14       13th, were still arriving in buses and trucks from the direction of  
15       Konjevic Polje. Miroslav Deronjic, as far as I could hear, asked for all  
16       these prisoners to be taken away from Bratunac and that no executions  
17       take place or abuses take place in Bratunac. He didn't want them there  
18       any longer. That was his viewpoint.

19              During the conversation and this argument, he invoked the  
20       decisions issued by President Karadzic saying that he had received  
21       instruction, from President Karadzic how to deal with the prisoners who  
22       were at present in Bratunac. Colonel Beara invoked the instructions he  
23       received from his boss. I am not going to guess who his boss was, but I  
24       can only imagine; and he claimed that he had totally different  
25       instructions how to deal with prisoners who were in Bratunac at the

1 moment and who were arriving from Konjevic Polje by the minute.

2 So these were the issues that they started arguing and  
3 quarrelling from the very outset. Later on, they sat at the table and  
4 started discussing all other issues, such as how to secure the men who  
5 were there, what to do because Bratunac was full of buses, trucks with  
6 captured Muslims brought from Konjevic Polje, Bratunac. All the  
7 facilities were fully packed, including the Vuk Karadzic elementary  
8 school, the hanger, and all the other facilities. And they were full of  
9 captured Muslims. This created a security risk for the town. So there  
10 was total chaos. Nobody knew how to secure these people, and the  
11 situation in the town of Bratunac became intolerable.

12 Later on, they tried to find a way to provide additional forces  
13 and men who would secure the buses and the trucks, the schools, the  
14 hangar, the secondary education centre; so they were looking for ways of  
15 preventing any incidents because incidents were already starting to  
16 happen. People were taken off the buses, and there were individual  
17 killings.

18 As I said, the situation was very bad. It was horrible both in  
19 the town and in the facilities where the detainees were being kept.

20 JUDGE AGIUS: Thank you, Mr. Nikolic. There are two further  
21 short questions I would like to put to you in relation to what you have  
22 just testified. Line -- page 48, lines 9 to 12, you said:

23 "During the conversation and this argument, Deronjic invoked the  
24 decisions issued by President Karadzic saying that he had received  
25 instructions from President Karadzic how to deal with the prisoners who

1       were present in Bratunac."

2               Can you be more specific? Did he explain, did he specify what  
3       these instructions from President Karadzic were in relation to prisoners  
4       with being brought or being present in Bratunac at the time?

5               THE WITNESS: [Interpretation] Mr. Miroslav Deronjic, in addition  
6       to other things, but the most important request that he made, and let me  
7       be quite clear, invoked not the decisions but the instructions that he  
8       had received. I don't know the nature of these instructions, I've never  
9       seen them. I suppose that those were instructions passed on to him  
10      orally because I had never seen any such instruction.

11              So he invoked the instructions received from President Karadzic,  
12      and the essence of these instructions was that the prisoners from  
13      Bratunac be transferred to Zvornik. That was the essence of it.  
14      Mr. Deronjic insisted that no single man should be executed or killed in  
15      the territory of Bratunac municipality. Whether he knew more than that,  
16      I'm -- wouldn't like to speculate, but this is -- and I'm just conveying  
17      to you what I heard with my own ears.

18              JUDGE AGIUS: Okay. And on a similar matter, then you continued  
19      saying:

20              "Colonel Beara invoked the instructions he received from his  
21      boss. I'm not going to guess who his boss was, but I can only imagine,  
22      and he claimed that he had totally different instructions on how to deal  
23      with prisoners who were in Bratunac at the moment and who were arriving  
24      from Konjevic Polje by the minute."

25              So was he specific? Could you enlighten us on what -- on the

1        essence or the nature of these instructions that Beara claimed to have  
2        had received from his superiors, from his boss?

3                THE WITNESS: [Interpretation] I honestly cannot because Mr. Beara  
4        never mentioned the content of the instructions received from his boss,  
5        but it was evident that they were different from the instructions  
6        received of him from Mr. Deronjic; and that is what created a clash  
7        between the two; but I cannot say that he the ever went into any details  
8        about the instructions that he had received from his boss.

9                JUDGE AGIUS: Thank you, Mr. Nikolic.

10               MR. THAYER:

11               Q. Well, sir, let's not dwell on the details. The fact is from what  
12        you were overhearing, Colonel Beara was arguing with Mr. Deronjic, and  
13        Colonel Beara was talking about his orders to have these orders killed;  
14        correct?

15               A. In my statement -- in my first testimony, actually, I said about  
16        this meeting what you just mentioned. That was a meeting where it was  
17        openly discussed what the fate of these prisoners would be or, in other  
18        words, about the killing of these prisoners. Miroslav Deronjic - what I  
19        managed to overhear - opposed this idea of these men being killed in  
20        Bratunac. The fate of these men was at stake, and they wanted to make a  
21        decision what to do with them. Miroslav Deronjic was opposed to the idea  
22        to keep these men in Bratunac any longer and to be executed in Bratunac.  
23        That was the essence of the discussion in this meeting. And for the  
24        first time, I was present at a meeting where the killing of these men in  
25        Bratunac was openly discussed.

1 Q. And Mr. Deronjic indicated, did he not, that he was going to  
2 report back to President Karadzic regarding the outcome of this meeting  
3 and the discussions?

4 A. I don't know about that. I don't know. Whether he sent in  
5 reports or to whom he sent any reports, whether Mr. Deronjic sent a  
6 report to his president, whether Mr. Beara and Mr. Vasic reported to  
7 their superiors, I don't know. I never saw such reports dealing with  
8 these matters; and, therefore, I cannot confirm. All I can say is what I  
9 already told you, and that is that during the conversation they invoked  
10 in the instructions given by their respective superiors. That is what I  
11 saw and heard. Whether they wrote subsequent reports or not and sent  
12 them to their superiors, I don't know.

13 Q. Well, sir, I am not specifically referring to written reports. I  
14 am simply referring to the discussion from what you overheard entailed  
15 these participants indicating that they would inform their superiors of  
16 the outcome of this discussion. Whether or not it was in written form,  
17 it was clear to you that the participants had their respective superiors  
18 to whom they were going to report on the outcome of these discussions;  
19 correct?

20 A. I can only assume that that was the case.

21 Q. Now, sticking with the night of the 13th of July and what was  
22 going on in Bratunac, specifically the facility of the Vuk Karadzic  
23 school, the old school, and the hangar there, you received some  
24 information from Dragan Mirkovic concerning the number of Muslims who  
25 were killed that evening, who had been detained in the hangar and in



1 buses in that area; did you not?

2 A. Yes, I subsequently learned what took place on the 13th of July  
3 in the evening in the hangar and the buildings there. I never  
4 mentioned -- well, as far as I know, the murders did not take place at  
5 the Vuk Karadzic primary school. The murders took place at the hangar  
6 and its environs. According to what I know, there were no murders in the  
7 school, murders of those who had been captured and accommodated there.

8 The information stated in the statement of fact is correct; and  
9 that is to say, that I learned from Dragan Mirkovic later that in that  
10 part of the hangar that between 80 and 100 people were killed in his  
11 assessment.

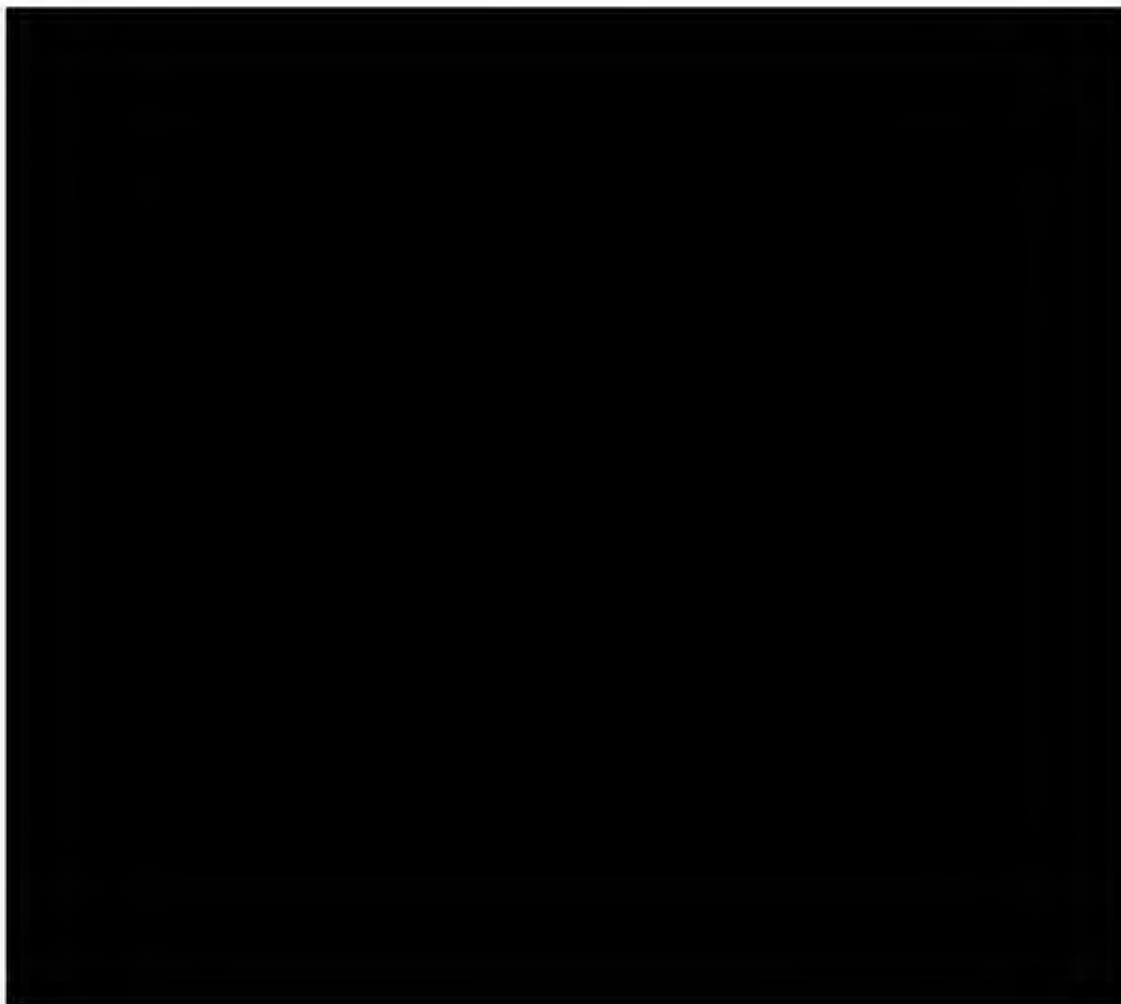
12 Q. And how soon after these events did Mr. Mirkovic give you this  
13 information?

14 A. A while. It wasn't 7 or 15 days later, but after an interval. I  
15 can't say precisely how long, but it was a bit after the event of the  
16 13th.

17  
18  
19  
20  
21  
22  
23  
24  
25



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18



19 MR. THAYER: May I proceed, Mr. President.  
20 JUDGE AGIUS: Yes, please.  
21 MR. THAYER:  
22 Q. Good afternoon, Mr. Nikolic.  
23 A. Good afternoon.  
24 Q. I just want to pick up where we left off. You had told us about  
25 in the circumstance where prisoners were captured, and they -- their

1 names show up on a missing list. In those cases, you could deduce that  
2 there had been a summary execution. I want to take you back to what you  
3 specifically told us in this recorded interview, and I'll just read to  
4 you the question and answer during the course of the interview, and you  
5 can tell us whether this is what you have in mind.

6 You were shown a Bratunac Brigade daily combat report, and there  
7 is a reference to, and I'll quote:

8 "A small part of the enemy force are still surrounded in the area  
9 of Bokcin Potok."

10 And Mr. Nikolic asked you the question:

11 "So over the next few days were the prisoners still being  
12 captured in this area?"

13 Your answer was:

14 "Yes."

15 And for my friends, this is at page 119 and 120 of the 2003  
16 interview.

17 Mr. McCloskey asked:

18 "And what was happening to these captured prisoners?"

19 And your answer was:

20 "They were killed and no one of them were brought. As far as I  
21 know, no one was brought and detained."

22 Mr. McCloskey followed up and asked:

23 "Where were they killed?"

24 And you answered:

25 "Probably in the place, the various places where they were

1 captured."

2 Now, my first question is: Do you recall that question and  
3 answer, and do you stand by your statements there?

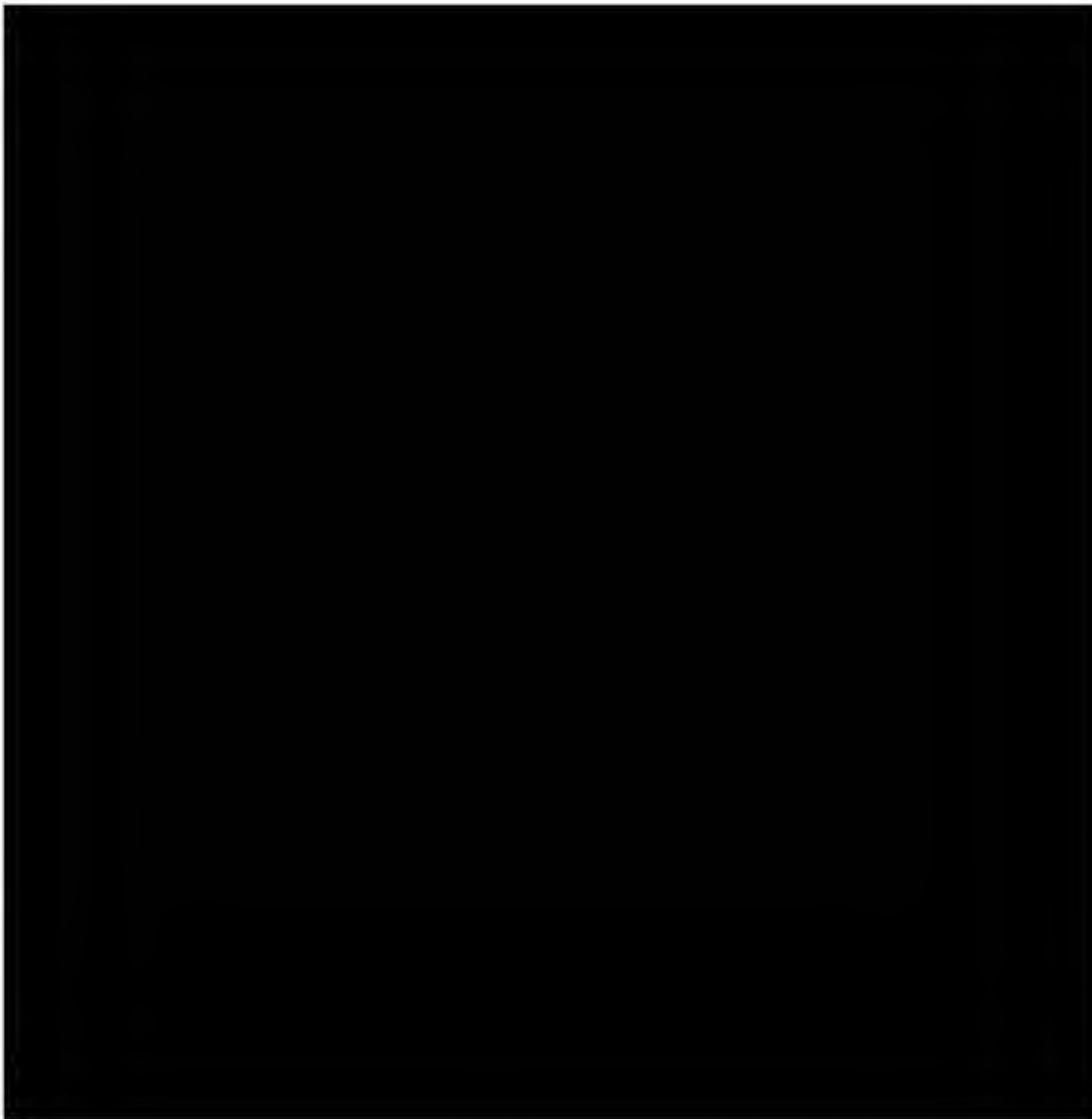
4 A. Yes, I do recall it, and I stand by my statement. I would like  
5 to clarify, briefly if I may. The way the questions were interpreted to  
6 me appeared quite hypothetical in their nature to me. As I said then and  
7 I do now, I believe that during the searches when people were being  
8 captured in the course of combat, I have no information that the people  
9 who had been captured in the area of Bokcin Potok and elsewhere of them  
10 being brought to the Bratunac Brigade. The question is: What happened  
11 with them? Logically, if they were not brought to the brigade and they  
12 are no longer alive, of course they were executed in situ. That is  
13 certain. I was not a witness to that, I did not participate in the  
14 sweeps, but I state with certainty that those people who were arrested  
15 there, captured there, without being brought anywhere were killed. That  
16 is my final answer. I have nothing else to say.

17 Q. And particularly in your role of intelligence chief for the  
18 brigade, and just given the amount of information that you were receiving  
19 during this period of time, you were picking up information, were you  
20 not, whether it was a specific site or otherwise, but you were hearing  
21 reports of such summary executions following the fall of Srebrenica  
22 during these sweeps. Can we agree on that?

23 A. We only disagree in the part referring to any reports. Never in  
24 any report did I see which stated that anyone was liquidated. However,  
25 we do agree that the people who were captured there and who did not

1 appear anywhere else, i.e., that there is specific information that  
2 people had been captured and later on went missing, I agree that they  
3 were killed onsite.

4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24



25 A general conclusion would be in all matters similar to this is

1       that people who have been captured and went missing later on are dead,  
2       killed. That's all I can tell you. Don't ask me to arrive at any other  
3       conclusions, because I did not have information about this. I think it  
4       is the first time I see this document, and I do not wish to comment.

5       Q.   Let's move to the reburial operation, sir.

6               MR. THAYER: And if we could have P00219 on e-court, please.

7       Q.   And sir, I have the original, I think it will be easier for you  
8       to look at. So I ask Madam Usher to kindly hand that up to you. Thank  
9       you.

10              Do you recognise what this document is, sir?

11       A.   Yes, I do.

12       Q.   Can you tell the Trial Chamber what it is, please.

13       A.   This is a document which contains reports or briefings from the  
14       meetings of the 1st Bratunac Light Infantry Brigade.

15       Q.   I'd like to turn your attention to the entry for October 16,  
16       1995. If you could find that. That's page 24 of the B/C/S on e-court,  
17       page 11 of the English translation. And I would draw your attention,  
18       sir, when you find the October 16th page to the -- towards the bottom of  
19       the page.

20              If you look at the bottom of the page, sir, there is an  
21       eight-digit number. Have you found it? October 16th.

22       A.   Yes, yes. I've found it. 16th of October, 1995.

23       Q.   Under your name, it says:

24              "We are currently engaged in tasks issued by the  
25       Army of Republika Srpska Main Staff."

1                   And then you've written a word in place of in parenthesis. What  
2           is that word, sir?

3           A.    Let me just first correct you. It wasn't me who wrote this.  
4           This was written by the minute taker, but these are my words quoted here.

5                   Yes, it's correct, we are currently engaged in tasks issued by  
6           the Main Staff of the Army of VRS, in parenthesis, "asanacija," in B/C/S.

7           Q.    And what are -- what you are referring to here, sir, when you  
8           wrote "asanacija"?

9           A.    I'm referring to the task that was underway in those days, and it  
10          involves the removal or relocation and re-digging of graves from the area  
11          of Glogova village and relocations to secondary graves in the area of  
12          Srebrenica municipality.

13          Q.    And why did you report at this command meeting that these  
14          reburial tasks had been issued by the Main Staff?

15          A.    Because at the very beginning of this operation, I heard from  
16          both my commander and Mr. Popovic that this task had to be carried out  
17          and that it had been ordered by the Main Staff of the VRS. So this is  
18          the information that I heard from Mr. Popovic and Mr. Vidoje Blagojevic.  
19          I just need to add one thing more, for clarity. The operation of  
20          relocation of graves was dubbed, in my brigade, under the title of  
21          "asanacija." I don't know who designated this terminology, but I was  
22          instructed to do so. During conversations and debriefings with my  
23          commander, I always used this term.

24          Q.    And based on your experience in the military, what was your  
25          understanding of the regular usage of the term "asanacija" to mean?

1           A.    As far as I know, "asanacija," and in my view this is not a  
2           proper term. I know exactly what "asanacija" of terrain involves and  
3           what it means, but in this particular instance, it is not entirely  
4           proper. But, on the other hand, it envisaged certain sweeping of the  
5           area, of the terrain, and removal of things -- of something that existed  
6           there.

7                     Under normal circumstances, the "asanacija" of the terrain would  
8           involve the moping-up of the battle-field where operations had been  
9           carried out before, including the removal of the dead, the burial of the  
10          dead, or the people or the dead animals. So the "asanacija" of the  
11          entire battle-field would be an effort to bring this area into its  
12          previous state. That would be the shortest explanation of what true  
13          "asanacija" involves.

14                    In this case, this involved relocation, the bodies buried in this  
15          big grave to secondary graves in the area of Srebrenica municipality.

16          Q.    And can you tell the Trial Chamber, please, how this task was  
17          given to you by Colonel Popovic?

18          A.    I'm going to be very accurate. Mr. Popovic and I had a contact  
19          sometime in September, I don't know exactly the date or the day, in my  
20          brigade; but I know that it was sometime in September. Mr. Popovic said  
21          on that occasion that there was an order from the Main Staff for the  
22          relocation of the grave in Glogova.

23                    Furthermore, he told me that pursuant to this order, the command  
24          of the Drina Corps received an order to initiate the whole action and  
25          that the task of the Drina Corps command or the security organ of the



1 Drina Corps precisely to ensure, for this operation, the necessary  
2 quantities of fuel and that this fuel provided from the resources of the  
3 Drina Corps should be stored into proper storage areas or gas stations,  
4 and that the security organ of the brigade, that is me, had the task to  
5 monitor the consumption of the fuel. After the task had been completed,  
6 my duty was to send a written report justifying the use of petrol and  
7 fuel oil that had been received from the Drina Corps.

8 And, of course, in view of everything I have just told you, I can  
9 tell you that I had never seen a written order to this effect. I never  
10 discussed this with my commander asking him whether he had such an order  
11 or not, but judging by the reaction of the my commander, I am convinced  
12 and I am sure that the same order went down the command line and that my  
13 commander knew what the next task would be with relation to the  
14 re-digging of these graves.

15 I can also add that after this, my commander and I simply did  
16 everything that we had been asked to do in relation to these reburials,  
17 and this operation involved a lot of people, a lot of resources, assets,  
18 vehicles, and everything else that was needed. And to put it simply,  
19 this task took a long time to complete, perhaps even the whole month with  
20 some interruptions. About everything that happened, I reported to the  
21 commander of the Bratunac Brigade at meetings, which is evident from this  
22 record. And, finally, all the tasks given to me, primarily to take care  
23 of the fuel, I supported by provided books to the Bratunac Brigade  
24 showing all the quantities of fuel used, and we were obliged to replenish  
25 these quantities that were used.

1                   After the operation was over, I packed up all these books and  
2           sent it to the brigade. One copy was left in the safe of the security  
3           organ. There were also some other documents, such as working log,  
4           records of the vehicles, records of people who were involved and  
5           participating in the operation. In a word, everything that had to do  
6           with the operation and its execution.

7                   This is what I can tell you to the best of my recollection about  
8           all this.

9           Q.    You told us, sir, that you were convinced that your commander had  
10          received the same order that you did concerning the reburial operation.  
11          Why are you convinced of that?

12          A.    I was convinced because, at least in my Bratunac Brigade, nothing  
13          could have happened without the knowledge of the commander. It was  
14          impossible for a security organ to do something or to use the brigade  
15          resources or to use the MP unit that I used, for example, to use vehicles  
16          or any other resources without the approval of the brigade commander.  
17          That was practically impossible scenario.

18                   Furthermore, I am also convinced due to the fact that my  
19          commander knew, and I can say for certain, more than I knew about the  
20          organisation, the preparations, the resources, the assistance that we  
21          expected to come from the engineers battalion of the Drina Corps  
22          regarding the engagement of machines, et cetera. All of this indicated  
23          to me that my commander was aware of this task, that he knew what was to  
24          be done, and that he knew who he was to cooperate with in performing this  
25          task. Therefore, I am absolutely convinced that he knew about this

1 before I knew anything about this. And I feel the need to say one more  
2 thing.

3 This operation was allegedly to be a covert operation, so secret  
4 operation. However, everything that took place during the operation in  
5 view of the number of men who were involved, the number of vehicles, the  
6 number of machineries; the number of laborers who were engaged to work,  
7 the people who were engaged to provide security, meaning from the  
8 civilian structures, police, military police, of army; everything that  
9 took place there cannot be and could not be kept a secret despite of the  
10 original intention.

11 As it turns out, everything was done openly, overtly, and  
12 publically, and in a nutshell everyone knew what was going on and what  
13 was being done.

14 Q. Sir, I want to switch topics now and go back a little to the  
15 months preceding the Krivaja 95 operation. I just want to reorient your  
16 recollection a little in that direction.

17 You testified in the Blagojevic case, and this is at the  
18 transcript page 1635, that the final objective was to make life  
19 unbearable for the people in the enclave, to make it impossible for them  
20 to live on, and as a consequence people would then eventually leave the  
21 enclave. And I want to spend a little bit of time talking about what  
22 your brigade did, for example, in connection with achieving that  
23 objective prior to the Krivaja 95 operation. For example, you testified  
24 in Blagojevic about sniping into the enclave prior to the Krivaja 95  
25 operation.

1                   Can you tell the Trial Chamber about the sniping from the  
2     brigade?

3           A.    Yes.  In this testimony of mine, I spoke about a number of  
4     circumstances that led to a conclusion to be made that the ultimate goal  
5     was to create intolerable conditions, and thus obliterate the population  
6     of the whole enclave.

7           The sniping had to do with members of the Bratunac Brigade and  
8     units that were in direct contact.  Actually, they were the ones who were  
9     encircling the enclave.  Of course, it was -- this was not only the  
10    Bratunac Brigade, there were other units there deployed on the border  
11    with Srebrenica, and primarily this was the Skelani battalion and -- and  
12    the Milici Brigade.

13          During the period when Srebrenica was declared a demilitarised  
14    zone, this problem became more prominent.  During that time, I was a  
15    communications officer in the Bratunac Brigade; and most of the time I  
16    contacted with the DutchBat officers as well as representatives of all  
17    other international organisations operating in Srebrenica.  I was  
18    constantly being criticised, and I think justly criticised, for the  
19    sniping activities targeting the targets that were not of military  
20    nature.

21          These problems involved shooting from snipers on people beyond  
22    the lines, and in most cases those were civilians working in the fields  
23    or doing some other business.  I, myself, did my best to prevent this,  
24    but I wasn't very successful because quite simply there was no  
25    cooperation in many segments regarding this issue; and we do not all

1 agree that the sniping should not take place and that civilians should  
2 not be targeted. So that was one of the segments which was conducive to  
3 the creation of a difficult life for people living in the enclave, by  
4 preventing them from doing their everyday works and duties. There was  
5 the attitude towards civilians, but there were also aspects or other  
6 activities that prevented representatives of the Dutch battalion and the  
7 international organisations who took care of the situation in the  
8 enclave.

9 There were such acts that contributed to the fact that these  
10 international organisations and Dutch battalion become or were rendered  
11 incapacitated for carrying out their mandate in the enclave. First of  
12 all, I have in mind the absolute and total blockade of -- put on supply  
13 lines, first of all to the Dutch battalion, starting from food, weapons,  
14 equipment, ammunition, and everything else that in total contributes to  
15 full combat readiness of a unit and its capacity to do its job that it's  
16 deployed to do. This blockade was effected by stopping the entry into  
17 Srebrenica by convoys, the prevention of rotation of units and companies  
18 that were replaced periodically, preventing the supply of fuel for PCP --  
19 APCs, and other vehicles that the Dutch troops had. There were also  
20 other attempts to prevent them from going at meetings -- to attend  
21 meetings with their command in Sarajevo, et cetera, et cetera.

22 I believed at the time that that was a very unfair and  
23 unprofessional attitude towards them. And, of course, I must clarify one  
24 more thing, and that is the conduct of my commander. Before the attack  
25 on the enclave was launched, I am talking about Mr. Ognjenovic, in an

1 information in which he addressed members of the Bratunac Brigade,  
2 everything that I spoke about as kind of a negative occurrences and  
3 unacceptable behaviour, he described in his information; and he asked  
4 them to make the people for -- make the life for people living there even  
5 worse and to create such intolerable conditions that would force them to  
6 leave the area.

7 Q. Well, before we break let's look at P03177, please. And I have  
8 the original here for you if that helps.

9 JUDGE KWON: Mr. Thayer, he was talking about Mr. Blagojevic  
10 instead of Ognjenovic.

11 MR. THAYER: I'll --

12 JUDGE KWON: Can he confirm --

13 MR. THAYER: Well, I'll let the witness develop this point, and I  
14 think we're going to answer your question, Your Honour.

15 THE WITNESS: [Interpretation] Yes, I've seen it. So, yes.

16 MR. THAYER:

17 Q. Now, you referred to your commander as Commander Ognjenovic.  
18 When he was commander of your brigade, sir, if you can just roughly give  
19 us the years?

20 A. I don't know the exact period, but definitely sometime in 1994.  
21 He was my commander on two occasions, but I'm quite sure that it was in  
22 1994 and for some period in 1995; but I don't know is the exact dates of  
23 his coming and going because he was appointed twice, and he was removed  
24 twice.

25

